

EXAMINER'S AMENDMENT

An extension of time under 37 CFR 1.136(a) is required in order to make an examiner's amendment which places this application in condition for allowance. During a telephone conversation conducted on 30 March 2009, Mr. Brad Schepers requested an extension of time for 1 MONTH(S) and authorized the Director to charge Deposit Account No. 12-2424 the required fee of \$130.00 for this extension and authorized the following examiner's amendment. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In claim 8, line 8, immediately before "engaging" --slidably--has been inserted.

In claim 8, line 13, after "member", "cooperates" has been changed to --is slidably engaged--.

In claim 33, line 8, after "member", "co-acting" has been changed to --slidably engaged--.

In claim 33, line 13, after "chamber", --slidably-- has been inserted.

In claim 33, line 15, after "between and", --slidably-- has been inserted.

In claim 41, line 8, immediately before "engaging", --slidably-- has been inserted.

In claim 41, line 14, after "member", "cooperates" has been changed to --is slidably engaged--.

In claim 48, line 7, after "between and", --slidably-- has been inserted.

The following is a statement of the reasons for allowance. The arguments in the Pre-Brief Conference request filed 12 January 2009, at page 2, lines 30-36, were found persuasive with regard to independent claims 9, 40 and 50. Specifically, since the elements in Kuslich corresponding to the claimed expansion member and axial walls "are joined into a completed assembly through any suitable mean, such as adhesives or the like" they could not anticipate claims reciting a sliding relationship therebetween to expand the device. Accordingly, independent claims 9, 40 and 50, which include a sliding a relationship between the expansion member and axial walls to expand the device, were found to be allowable over the prior art. The present Examiner's Amendment amends the remaining independent claims to similarly recite the noted sliding relationship between the expansion member and axial walls.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Comstock whose telephone number is (571) 272-4710 (a detailed message should be left if Examiner is unavailable). If attempts to reach the Examiner by telephone or voicemail are unsuccessful, the examiner's supervisor, Eduardo Robert, can be reached at (571) 272-4719. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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